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EXAMINER	
ZEILBERGER, DANIEL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/657,974	STEENSMA, CRAIG A.	
	Examiner	Art Unit	
	DANIEL ZEILBERGER	4115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☒ Claim(s) *13 and 22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/12/2004, 11/18,2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claims 13 and 22** are objected to because of the following informalities: claim 13 currently is dependent upon itself. Appropriate correction is required, however for the purposes of examination, it will be assumed that claim 13 should be dependent upon claim 2, which has a "step of transferring the digital image to a second computer"; claim 22 lacks proper antecedent basis for "the metric files", however for the purposes of examination it will be assumed that "the metric files" refers to and will be replaced by --metric files--.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. *Claims 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 25, 26, 27, 28, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49 and 50* are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg (International Patent Application Publication WO 98/10358), hereinafter referenced as Goldberg.

4. Regarding **claim 1**, Goldberg discloses a method and system for obtaining person-specific images in a public venue. In addition, Goldberg discloses a method for

automatically associating a digital image with data indicative of a person, the method comprising:

5. in step 143, the car 45 carrying the patron 43 passes a switch which actuates the camera 63, as disclosed in page 8 lines 9-11, which is further clarified as creating an image wherein it is disclosed that the camera 63 is caused to acquire an image when the car 45 carrying patron 43 interrupts an infrared light beam 59, as disclosed in page 13 lines 22-24, wherein it is disclosed that because the image is captured electronically, it can generally be stored as a digital image, as disclosed in page 14 lines 32-33, which reads on claimed "creating the digital image";

6. in step 139, the remote ID identification tag 49 comes into range of the remote ID reader 52, wherein in step 141, the tag 49 sending its identifying signal to the remote ID reader 52, wherein the system now has information about the identity of the patron 43, as well as the patron's approximate location in the ride, due to the generally short transmission distance of the tag 49, wherein because the system also has knowledge about the locations of each car 45 in a ride, the system can now identify the patrons 43 to a particular car 45 in specific captured images, as disclosed in page 8 lines 3-8, which reads on claimed "automatically associating data indicative of at least one person with the image";

7. in step 145, the image and patron identities, as well as potentially other relevant information, are sent over a communication network, through storage controller 73, as disclosed in page 8 lines 14-16, which reads on claimed "transferring the digital image to a first computer";

8. in step 145, the image and patron identities, as well as potentially other relevant information, are sent over a communication network to the image storage device 71 (through storage controller 73), which stores the information on an easily retrievable medium, such as an array of hard drives, as disclosed in page 8 lines 14-17, which reads on claimed “saving the digital image and the data indicative of the person".

9. Regarding **claim 2**, Goldberg discloses everything as applied above in regards to claim 1. In addition, Goldberg discloses that a patron 43 at a distribution station 77 who wishes to review the images taken of him interacts with the station 77 in step 147, initiating a command to the storage controller 73 to retrieve the images corresponding to one or more patrons from storage device 71, wherein in step 149, those images are retrieved from the image storage device 71 and sent to the distribution station 77, as disclosed in page 8 lines 17-21, which reads on claimed, “transferring the digital image to a second computer for later retrieval by the at least one person".

10. Regarding **claim 3**, Goldberg discloses everything as applied above in regards to claim 1. In addition, it becomes clear that Goldberg teaches taking a still image, wherein Goldberg discloses that a single frame with a large field of view may include the images of many patrons 43, as disclosed in page 14 lines 25-26, which reads on claimed “the digital image created is selected from the group consisting of a still image, a motion picture image, and an image with sound".

11. Regarding **claim 4**, Goldberg discloses everything as applied above in regards to claim 1. In addition, Goldberg discloses sending the image to an electronic address (for

example an electronic mail Internet address) of the client's choice, as disclosed in page 17 lines 19-20, which reads on claimed “e-mailing the digital image to the person".

12. Regarding **claim 5**, Goldberg discloses everything as applied above in regards to claim 1. In addition, Goldberg discloses adding or subtracting content to the image, such as images of theme park mascots or written information about the time and date or ride name, as disclosed in page 17 lines 14-15, which reads on claimed “adding at least one feature to the digital image, the feature selected from the group consisting of a watermark, a signature, a greeting, a phrase, a logo, an internet URL, and a background”.

13. Regarding **claim 6**, Goldberg discloses everything as applied above in regards to claim 1. In addition, Goldberg discloses that the photographic images may be digitally "compressed" in order to decrease the amount of digital memory required to store the images, as well as to increase the image transmission and retrieval rates, as disclosed in page 15 lines 5-7, which reads on claimed "further comprising compressing the digital image”.

14. Regarding **claim 9**, Goldberg discloses everything as applied above in regards to claim 1. In addition, Goldberg discloses that at a particular time, each identifier is associated with a unique code, wherein the identifiers will generally, though not necessarily, be reused by different patrons 43 over the useful lifetime of the identifier, as disclosed in page 9 lines 26-28, which reads on claimed “the step of automatically associating data indicative of at least one person with the image is accomplishing by creating or entering a unique identifier for the at least one person”.

15. Regarding **claim 10**, Goldberg discloses everything as applied above in regards to claim 9. In addition, Goldberg discloses an optical symbology remote identification system, wherein this embodiment uses an identifier badge 103 on which a visible symbology is printed, as disclosed in page 11 lines 26-30, wherein the printed text string 121 is interpreted from the image captured by the CCD camera 125 using optical character recognition, as disclosed in page 12 lines 8-10, which reads on claimed "the unique identifier is entered by one of scanning a barcode, scanning optical characters, reading a card, and scanning an RFID tag".

16. Regarding **claim 11**, Goldberg discloses everything as applied above in regards to claim 10. In addition, Goldberg discloses that more than one type of symbology may be simultaneously employed, providing support in case one of the symbologies is obscured or damaged, as disclosed in page 12 lines 11-13, which reads on claimed "validating the barcode, information from the card, optical characters, or RFID tag".

17. Regarding **claim 12**, Goldberg discloses everything as applied above in regards to claim 2. In addition, Goldberg discloses that a patron 43 at a distribution station 77 who wishes to review the images taken of him interacts with the station 77 in step 147, initiating a command to the storage controller 73 to retrieve the images corresponding to one or more patrons from storage device 71, as disclosed in page 8 lines 17-20, which reads on claimed "the step of transferring the digital image to a second computer is accomplished by transferring a database file". In addition, Goldberg discloses that in step 149, those images are retrieved from the image storage device 71, and sent to the distribution station 77, as disclosed in page 8 lines 20-21, which reads on claimed "the

step of transferring the digital image to a second computer is accomplished by transferring at least one digital image file".

18. Regarding **claim 13**, it was discussed above that claim 13 is improperly dependent upon itself. However, for the purposes of examination it is assumed that claim 13 should be dependant upon itself, and thus regarding claim 13, Goldberg discloses everything as applied in regards to claim 2. In addition, Goldberg discloses that the distribution station 77 will generally incorporate a means to identify the patron 43 by incorporating an integral remote identification device 51, wherein once the patron 43 is identified, the images corresponding to the patron 43 may be retrieved from the image storage device 71, as disclosed in page 17 lines 3-6, which reads on claimed " the step of transferring the digital image to a second computer is accomplished by a validation step".

19. Regarding **claim 14**, Goldberg discloses everything as applied above in regards to claim 1. In addition, Goldberg discloses that a patron 43 at a distribution station 77 who wishes to review the images taken of him, as disclosed in page 8 lines 17-19, which makes it clear that a plurality of images are taken, and thus reads on claimed "plurality of digital images are created" and further wherein the rejection applied to claim 1 applies to claimed " transferred, automatically associated with data indicative of at least one person in the image, and saved with the data indicative of at least one person for each image". In addition, Goldberg discloses that each image is stored in conjunction with the corresponding patron identification, as well as other relevant

information that might by of interest to the patron, as disclosed in page 15 lines 10-12, which reads on claimed “recording information about the digital images taken".

20. Regarding **claim 17**, Goldberg discloses everything as applied above in regards to claim 1. In addition, Goldberg discloses that a patron 43 at a distribution station 77 who wishes to review the images taken of him interacts with the station 77 in step 147, initiating a command to the storage controller 73 to retrieve the images corresponding to one or more patrons from storage device 71, as disclosed in page 8 lines 17-20, which reads on claimed “a plurality of digital images are associated with data indicative of a single person and saved with the data indicative of the person".

21. Regarding **claim 18**, Goldberg discloses everything as applied above in regards to claim 1. In addition, Goldberg discloses that a patron 43 at a distribution station 77 who wishes to review the images taken of him interacts with the station 77 in step 147, initiating a command to the storage controller 73 to retrieve the images corresponding to one *or more* patrons from storage device 71, as disclosed in page 8 lines 17-20, which reads on claimed “a single image is associated with data indicative of at least two persons and is saved with data indicative of each person”.

22. Regarding **claim 19**, Goldberg discloses everything as applied above in regards to claim 2. In addition, Goldberg discloses that at the distribution station 77, the patron could perform certain actions such as manipulating the image to produce special photographic effects, and adding or subtracting content to the image, as disclosed in page 17 lines 9 to 15, which reads on claimed “processing the data by the second computer".

23. Regarding **claim 20**, Goldberg discloses everything as applied above in regards to claim 2. In addition, Goldberg discloses at the distribution station 77, the patron could perform certain actions such as manipulating the image to produce special photographic effects, and adding or subtracting content to the image, as disclosed in page 17 lines 9 to 15, which reads on claimed “processing the data by the second computer”. In addition, Goldberg discloses that the storage controller 73 will extract the identity and related information from the image information if the data are multiplexed as disclosed in page 16 lines 20-21, which reads on claimed "image files from the first computer are stored and locations of the image files are recorded, and database files containing data indicative of the at least one person from the first computer are stored separately from the image files”.

24. Regarding **claim 21**, Goldberg discloses everything as applied above in regards to claim 20. In addition, Goldberg discloses adding or subtracting written information to the image about the time and date, as disclosed in page 17 lines 19-20, which reads on claimed "metric files are updated by the database files from the first computer".

25. Regarding **claim 25**, Goldberg discloses a method for automatically associating a digital image with data indicative of a person, the method comprising:

26. in step 143, the car 45 carrying the patron 43 passes a switch which actuates the camera 63, as disclosed in page 8 lines 9-11, which is further clarified as creating an image wherein it is disclosed that the camera 63 is caused to acquire an image when the car 45 carrying patron 43 interrupts an infrared light beam 59, as disclosed in page 13 lines 22-24, wherein it is disclosed that because the image is captured electronically,

it can generally be stored as a digital image, as disclosed in page 14 lines 32-33, which reads on claimed "creating a digital image";

27. in step 139, the remote ID identification tag 49 comes into range of the remote ID reader 52, wherein in step 141, the tag 49 sending its identifying signal to the remote ID reader 52, wherein the system now has information about the identity of the patron 43, as well as the patron's approximate location in the ride, due to the generally short transmission distance of the tag 49, wherein because the system also has knowledge about the locations of each car 45 in a ride, the system can now identify the patrons 43 to a particular car 45 in specific captured images, as disclosed in page 8 lines 3-8, which reads on claimed "automatically associating the unique identifier with the digital image";

28. in step 145, the image and patron identities, as well as potentially other relevant information, are sent over a communication network, through storage controller 73, as disclosed in page 8 lines 14-16, which reads on claimed "transferring the digital image to a first computer; scanning a unique identifier for a person into the first computer";

29. in step 145, the image and patron identities, as well as potentially other relevant information, are sent over a communication network to the image storage device 71 (through storage controller 73), which stores the information on an easily retrievable medium, such as an array of hard drives, as disclosed in page 8 lines 14-17, which reads on claimed "saving the digital image and the unique identifier";

30. a patron 43 at a distribution station 77 who wishes to review the images taken of him interacts with the station 77 in step 147, initiating a command to the storage

controller 73 to retrieve the images corresponding to one or more patrons from storage device 71, wherein in step 149, those images are retrieved from the image storage device 71 and sent to the distribution station 77, as disclosed in page 8 lines 17-21, which reads on claimed “transferring the digital image to a second computer for later retrieval by the person".

31. Regarding **claim 26**, Goldberg discloses everything as applied above in regards to claim 25. In addition, Goldberg discloses an optical symbology remote identification system, wherein this embodiment uses an identifier badge 103 on which a visible symbology is printed, as disclosed in page 11 lines 26-30, wherein the printed text string 121 is interpreted from the image captured by the CCD camera 125 using optical character recognition, as disclosed in page 12 lines 8-10, which reads on claimed "the step of scanning the unique identifier is accomplished by one of scanning a barcode, reading an OCR pattern, reading a magnetic data card, and scanning an RFID tag”.

32. Regarding **claim 27**, Goldberg discloses everything as applied in regards to claim 25. In addition, Goldberg discloses that the distribution station 77 will generally incorporate a means to identify the patron 43 by incorporating an integral remote identification device 51, wherein once the patron 43 is identified, the images corresponding to the patron 43 may be retrieved from the image storage device 71, as disclosed in page 17 lines 3-6, which reads on claimed “at least one of the steps of creating the digital image, transferring the digital image to the first computer, scanning the unique identifier, saving the digital image, and transferring the digital image to the second computer, is accompanied by a validation process”.

33. Regarding **claim 28**, Goldberg discloses everything as applied above in regards to claim 25. In addition, Goldberg discloses that the photographic images may be digitally "compressed" in order to decrease the amount of digital memory required to store the images, as well as to increase the image transmission and retrieval rates, as disclosed in page 15 lines 5-7, which reads on claimed "compressing the digital image before the step of transferring the digital image to the second computer".

34. Regarding **claim 31**, Goldberg discloses everything as applied above in regards to claim 25. In addition, Goldberg discloses sending the image to an electronic address (for example an electronic mail Internet address) of the client's choice, as disclosed in page 17 lines 19-20, which reads on claimed "e-mailing the digital image to the person".

35. Regarding **claim 32**, Goldberg discloses everything as applied above in regards to claim 25. In addition, Goldberg discloses that the storage controller 73 will extract the identity and related information from the image information if the data are multiplexed, wherein the storage controller 73 will then place the images and information on the storage device 71 within a database structure that allows for easy search and retrieval of the image and data as disclosed in page 16 lines 20-23, which reads on claimed "the second computer stores the digital image and stores separately a database file containing information about the image".

36. Regarding **claim 33**, Goldberg discloses everything as applied above in regards to claim 25. In addition, Goldberg discloses adding or subtracting content to the image, such as images of theme park mascots or written information about the time and date or ride name, as disclosed in page 17 lines 14-15, which reads on claimed "adding at least

one feature to the digital image, the feature selected from the group consisting of a watermark, a signature, a greeting, a phrase, a logo, an internet URL, and a background";

37. Regarding **claim 36**, Goldberg discloses a system for automatically associating a digital image with data indicative of a person, the system comprising:

38. storage controller 73, which stores to, and retrieves identified images from, an image storage device 71, as disclosed in page 6 line 38 to page 7 line 1, which reads on claimed "a first computer";

39. in step 143, the car 45 carrying the patron 43 passes a switch which actuates the camera 63, as disclosed in page 8 lines 9-11, wherein it is disclosed that because the image is captured electronically, it can generally be stored as a digital image, as disclosed in page 14 lines 32-33, wherein in step 145, the image and patron identities, as well as potentially other relevant information, are sent over a communication network, through storage controller 73, as disclosed in page 8 lines 14-16, which reads on claimed "a digital camera operably connected to the first computer";

40. in step 139, the remote ID identification tag 49 comes into range of the remote ID reader 52, wherein in step 141, the tag 49 sending its identifying signal to the remote ID reader 52, wherein the system now has information about the identity of the patron 43, as well as the patron's approximate location in the ride, due to the generally short transmission distance of the tag 49, wherein because the system also has knowledge about the locations of each car 45 in a ride, the system can now identify the patrons 43 to a particular car 45 in specific captured images, as disclosed in page 8 lines 3-8,

which reads on claimed “a detector operably connected to the first computer; a computer program accessible to the computer for automatically associating the digital image taken by the camera with data indicative of the person”.

41. Regarding **claim 37**, Goldberg discloses everything as applied above in regards to claim 36. In addition, Goldberg discloses that a patron 43 at a distribution station 77 who wishes to review the images taken of him interacts with the station 77 in step 147, initiating a command to the storage controller 73 to retrieve the images corresponding to one or more patrons from storage device 71, wherein in step 149, those images are retrieved from the image storage device 71 and sent to the distribution station 77, as disclosed in page 8 lines 17-21, which reads on claimed “a second computer accessible to the first computer".

42. Regarding **claim 38**, Goldberg discloses everything as applied above in regards to claim 37. In addition, Goldberg discloses that the image data may be transferred to an Internet server 207 where it can be transmitted to the Internet address of the patron 43 as an attachment to electronic mail 221, as disclosed in page 27 lines 28-30, which reads on claimed " the second computer is accessible to the first computer though the Internet and the second computer is also accessible to the person through the Internet".

43. Regarding **claim 39**, Goldberg discloses everything as applied above in regards to claim 36. In addition, Goldberg discloses an optical symbology remote identification system, wherein this embodiment uses an identifier badge 103 on which a visible symbology is printed, as disclosed in page 11 lines 26-30, wherein the printed text string 121 is interpreted from the image captured by the CCD camera 125 using optical

character recognition, as disclosed in page 12 lines 8-10, which reads on claimed " the detector is selected from the group consisting of a barcode scanner, a card reader, an RF antenna, and an OCR reader".

44. Regarding **claim 40**, Goldberg discloses everything as applied above in regards to claim 36. In addition, Goldberg discloses that because of the demands for precise timing and cooperation between different devices, as described above, the use of digital computing devices, including dedicated microprocessors and computers, is useful in the operation of many of the devices that participate in the operation of the present invention, wherein for example, the camera 63 may be effectively coupled to a computer, perhaps through the use of a "frame grabber" card, as disclosed in page 19 lines 10-14, which reads on claimed "the first computer is selected from the group consisting of a pen tablet, a microprocessor, and a wireless mobile computer".

45. Regarding **claim 41**, Goldberg discloses everything as applied above in regards to claim 36. In addition, Goldberg discloses an embodiment of the present invention where video images rather than single frame images are captured, as disclosed in page 19 lines 26-27, which reads on claimed "the digital camera is selected from the group consisting of a still camera, a video camera, and a charge-coupled device".

46. Regarding **claim 42**, Goldberg discloses everything as applied above in regards to claim 36. In addition, Goldberg discloses that the image data may be transferred to an Internet server 207 where it can be transmitted to the Internet address of the patron 43 as an attachment to electronic mail 221, as disclosed in page 27 lines 28-30, which reads on claimed " a modem, an antenna connected to the modem and a second

computer accessible through the modem", since it is inherent that a modem is present since the device is transmitting over the internet.

47. Regarding **claim 43**, Goldberg discloses everything as applied above in regards to claim 36. In addition, Goldberg discloses that because of the demands for precise timing and cooperation between different devices, as described above, the use of digital computing devices, including dedicated microprocessors and computers, is useful in the operation of many of the devices that participate in the operation of the present invention, wherein for example, the camera 63 may be effectively coupled to a computer, perhaps through the use of a "frame grabber" card, as disclosed in page 19 lines 10-14, which reads on claimed “an interface card for at least one accessory for the first computer".

48. Regarding **claim 45**, Goldberg discloses everything as applied above in regards to claim 37. In addition, Goldberg discloses sending the image to an electronic address, for example a FAX machine using telephone communications, as disclosed in page 17 lines 19-20, which reads on claimed "the second computer is selected from the group consisting, of a computer associated with a telephone, a personal digital assistant, a wireless handheld device, and a wireless computer”.

49. Regarding **claim 46**, Goldberg disclose s a system for automatically associating a digital image with data indicative of a person, the system comprising:

50. storage controller 73, which stores to, and retrieves identified images from, an image storage device 71, as disclosed in page 6 line 38 to page 7 line 1, which reads on claimed “a first computer having memory”;

51. in step 143, the car 45 carrying the patron 43 passes a switch which actuates the camera 63, as disclosed in page 8 lines 9-11, wherein it is disclosed that because the image is captured electronically, it can generally be stored as a digital image, as disclosed in page 14 lines 32-33, wherein in step 145, the image and patron identities, as well as potentially other relevant information, are sent over a communication network, through storage controller 73, as disclosed in page 8 lines 14-16, which reads on claimed "a digital camera operably connected to the first computer";

52. in step 139, the remote ID identification tag 49 comes into range of the remote ID reader 52, wherein in step 141, the tag 49 sending its identifying signal to the remote ID reader 52, wherein the system now has information about the identity of the patron 43, as well as the patron's approximate location in the ride, due to the generally short transmission distance of the tag 49, wherein because the system also has knowledge about the locations of each car 45 in a ride, the system can now identify the patrons 43 to a particular car 45 in specific captured images, as disclosed in page 8 lines 3-8, wherein it is inherent that a computer program controls the systems operation, and thus it is inherent that the computer program resides in some form of memory, wherein it is further disclosed that examples of remote identification include visual identification means such as bar coding, as disclosed in page 9 lines 1-3, which reads on claimed "a barcode scanner operably connected to the first computer; a computer program residing in the memory of the first computer that automatically associates data from the barcode scanner indicative of the person with the digital image taken by the camera".

53. Regarding **claim 47**, Goldberg discloses everything as applied above in regards to claim 46. In addition, Goldberg discloses that the image data may be transferred to an Internet server 207 where it can be transmitted to the Internet address of the patron 43 as an attachment to electronic mail 221, as disclosed in page 27 lines 28-30, which reads on claimed "a second computer accessible through the Internet to the first computer".

54. Regarding **claim 48**, Goldberg discloses everything as applied above in regards to claim 36. In addition, Goldberg discloses that the image data may be transferred to an Internet server 207 where it can be transmitted to the Internet address of the patron 43 as an attachment to electronic mail 221, as disclosed in page 27 lines 28-30, which reads on claimed "a modem and an antenna connected to the first computer", since it is inherent that a modem is present since the device is transmitting over the internet.

55. Regarding **claim 49**, Goldberg discloses everything as applied above in regards to claim 46. In addition, Goldberg discloses that the photographic images may be digitally "compressed" in order to decrease the amount of digital memory required to store the images, as well as to increase the image transmission and retrieval rates, as disclosed in page 15 lines 5-7, which reads on claimed "a software program for compression residing in the memory of the first computer", since it is inherent that a program controls the compression described above, and is further inherent that the program must reside in some form of memory.

56. Regarding **claim 50**, Goldberg discloses everything as applied above in regards to claim 47. In addition, Goldberg discloses adding or subtracting content to the image,

such as images of theme park mascots or written information about the time and date or ride name, as disclosed in page 17 lines 14-15, which reads on claimed "a file storing at least one of watermarks, logos, backgrounds, annotations, greetings, and features, the file residing in a memory accessible to the first computer or the second computer".

Claim Rejections - 35 USC § 103

57. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

58. *Claims 7 and 8* are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Kunishige (US Patent 6,092,023), hereinafter referenced as Kunishige.

59. Regarding **claim 7**, Goldberg discloses everything as applied above in regards to claim 1. However, Goldberg fails to disclose "the step of saving the digital image is accomplished by validating a unique file name for the digital image". However, the examiner maintains that it was well known in the art at the time of the invention, as taught by Kunishige.

60. In a similar field of endeavor, Kunishige discloses an automatic image data filing system using attribute information. In addition, Kunishige discloses a second modification of the captured image data filing according to the image filing system of the present invention, wherein in this modification, overwriting of image data is prevented by

producing a predetermined “identifier” at the start of automatic filing processing of the film and adding the identifier to produce a unique file name, as disclosed in column 14 lines 17-23, which reads on claimed “the step of saving the digital image is accomplished by validating a unique file name for the digital image”.

61. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing "the step of saving the digital image is accomplished by validating a unique file name for the digital image”, as taught by Kunishige, for the purpose of preventing overwriting of image data.

62. Regarding **claim 8**, Goldberg discloses everything as applied above in regards to claim 1. In addition, Goldberg discloses an optical symbology remote identification system, wherein this embodiment uses an identifier badge 103 on which a visible symbology is printed, as disclosed in page 11 lines 26-30, wherein the printed text string 121 is interpreted from the image captured by the CCD camera 125 using optical character recognition, wherein more than one type of symbology may be simultaneously employed, providing support in case one of the symbologies is obscured or damaged, as disclosed in page 12 lines 8-13, which reads on claimed “the step of saving the digital image is accomplished with a validation step”. However, Goldberg fails to disclose “the step of saving the digital image is accomplished with a double-validation step”. However, the examiner maintains that it was well known in the art at the time of the invention, as taught by Kunishige.

63. In addition, Kunishige discloses a second modification of the captured image data filing according to the image filing system of the present invention, wherein in this

modification, overwriting of image data is prevented by producing a predetermined "identifier" at the start of automatic filing processing of the film and adding the identifier to produce a unique file name, as disclosed in column 14 lines 17-23, which when read in combination with the validation step performed by Goldberg reads on claimed "the step of saving the digital image is accomplished with a double-validation step".

64. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing "the step of saving the digital image is accomplished with a double-validation step", as taught by Kunishige, for the purpose of preventing overwriting of image data.

65. *Claim 15* is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Kaku (US Patent Application Publication 2002/0049728), hereinafter referenced as Kaku.

66. Regarding **claim 15**, Goldberg discloses everything as applied above in regards to claim 14. However, Goldberg fails to disclose "the information recorded is selected from the group consisting of an elapsed time for taking the digital images, whether an image is marked as 'favorite,' a response to a consumer survey question, an indication whether information was provided by a person, an indication whether consent for the image was given, an indication whether parental consent was given, an indication whether an image file includes motion, an indication whether an image file includes sound, and an indication whether an image file includes an annotation". However, the

examiner maintains that it was well known in the art at the time of the invention, as taught by Kaku.

67. In a similar field of endeavor, Kaku discloses an image distribution system. In addition, Kaku discloses that when entering the amusement park, every person may be prompted to choose whether he or she wants their images to be distributed or refuses to be objected, wherein when the person wants images to be distributed in which or she is caught, the person may set an optional restriction such that others may not obtains the images in which the registering person is caught, wherein using such optional settings, when another person collects the images, the images of the specific person are omitted from the collected objects, as disclosed in paragraph 84, which reads on claimed “the information recorded is selected from the group consisting of an elapsed time for taking the digital images, whether an image is marked as ‘favorite,’ a response to a consumer survey question, an indication whether information was provided by a person, an indication whether consent for the image was given, an indication whether parental consent was given, an indication whether an image file includes motion, an indication whether an image file includes sound, and an indication whether an image file includes an annotation”.

68. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing "the information recorded is selected from the group consisting of an elapsed time for taking the digital images, whether an image is marked as ‘favorite,’ a response to a consumer survey question, an indication whether information was provided by a person, an indication

whether consent for the image was given, an indication whether parental consent was given, an indication whether an image file includes motion, an indication whether an image file includes sound, and an indication whether an image file includes an annotation", as taught by Kaku, for the purpose of allowing a person to refuse to have there image distributed.

69. *Claims 16, 22, 29, and 30* are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Abrahamson et al. (US Patent 5,002,491), hereinafter referenced as Abrahamson.

70. Regarding **claim 16**, Goldberg discloses everything as applied above in regards to claim 14. However, Goldberg fails to disclose "counting and displaying a total for at least one category of information recorded". However, the examiner maintains that it was well known in the art at the time of the invention, as taught by Abrahamson.

71. In a similar field of endeavor, Abrahamson discloses an electronic classroom system enabling interactive self-paced learning. In addition, Abrahamson discloses that for most types of questions, the central computer 10 can provide the teacher with a histogram or other readout indicating the percentage of students who answer questions correctly, as disclosed in column 10 lines 1-4, which reads on claimed "counting and displaying a total for at least one category of information recorded".

72. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing "counting and displaying a total for at least one category of information recorded", as taught by

Abrahamson, for the purpose of displaying how many people answered a question correctly.

73. Regarding **claim 22**, Goldberg discloses everything as applied above in regards to claim 20. However, Goldberg fails to disclose “the metric files are selected from the group consisting of an image count, an elapsed time for taking the digital images, a count of whether an image is marked as "favorite," a count of responses to a consumer survey question, a count of indications whether information was provided by a person, a count of indications whether consent for the image was given, a count of indications whether parental consent was given, a count of indications whether an image file includes motion, a count of indications whether an image file includes sound, and a count of indications whether an image file includes an annotation”. However, the examiner maintains that it was well known in the art at the time of the invention, as taught by Abrahamson.

74. In a similar field of endeavor, Abrahamson discloses an electronic classroom system enabling interactive self-paced learning. In addition, Abrahamson discloses that for most types of questions, the central computer 10 can provide the teacher with a histogram or other readout indicating the percentage of students who answer questions correctly, as disclosed in column 10 lines 1-4, which reads on claimed “the metric files are selected from the group consisting of an image count, an elapsed time for taking the digital images, a count of whether an image is marked as "favorite," a count of responses to a consumer survey question, a count of indications whether information was provided by a person, a count of indications whether consent for the image was

given, a count of indications whether parental consent was given, a count of indications whether an image file includes motion, a count of indications whether an image file includes sound, and a count of indications whether an image file includes an annotation".

75. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing "the metric files are selected from the group consisting of an image count, an elapsed time for taking the digital images, a count of whether an image is marked as "favorite," a count of responses to a consumer survey question, a count of indications whether information was provided by a person, a count of indications whether consent for the image was given, a count of indications whether parental consent was given, a count of indications whether an image file includes motion, a count of indications whether an image file includes sound, and a count of indications whether an image file includes an annotation", as taught by Abrahamson, for the purpose of displaying how many people answered a question correctly.

76. Regarding **claim 29**, Goldberg discloses everything as applied above in regards to claim 25. However, Goldberg fails to disclose "recording information concerning a plurality of digital images, and counting and displaying a result for at least one category of information recorded". However, the examiner maintains that it was well known in the art at the time of the invention, as taught by Abrahamson.

77. In a similar field of endeavor, Abrahamson discloses an electronic classroom system enabling interactive self-paced learning. In addition, Abrahamson discloses that

for most types of questions, the central computer 10 can provide the teacher with a histogram or other readout indicating the percentage of students who answer questions correctly, as disclosed in column 10 lines 1-4, which reads on claimed “recording information concerning a plurality of digital images, and counting and displaying a result for at least one category of information recorded”.

78. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing “recording information concerning a plurality of digital images, and counting and displaying a result for at least one category of information recorded”, as taught by Abrahamson, for the purpose of displaying how many people answered a question correctly.

79. Regarding **claim 30**, Goldberg discloses everything as applied above in regards to claim 25. However, Goldberg fails to disclose “the information is selected from the group consisting of an image count, an elapsed time for taking the digital images, a count of whether an image is marked as "favorite," a count of responses to a consumer survey question, a count of indications whether information was provided by a person, a count of indications whether consent for the image was given, a count of indications whether parental consent was given, a count of indications whether an image file includes motion, a count of indications whether an image file includes sound, and a count of indications whether an image file includes an annotation”. However, the examiner maintains that it was well known in the art at the time of the invention, as taught by Abrahamson.

80. In a similar field of endeavor, Abrahamson discloses an electronic classroom system enabling interactive self-paced learning. In addition, Abrahamson discloses that for most types of questions, the central computer 10 can provide the teacher with a histogram or other readout indicating the percentage of students who answer questions correctly, as disclosed in column 10 lines 1-4, which reads on claimed “the information is selected from the group consisting of an image count, an elapsed time for taking the digital images, a count of whether an image is marked as "favorite," a count of responses to a consumer survey question, a count of indications whether information was provided by a person, a count of indications whether consent for the image was given, a count of indications whether parental consent was given, a count of indications whether an image file includes motion, a count of indications whether an image file includes sound, and a count of indications whether an image file includes an annotation”.

81. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing “the information is selected from the group consisting of an image count, an elapsed time for taking the digital images, a count of whether an image is marked as "favorite," a count of responses to a consumer survey question, a count of indications whether information was provided by a person, a count of indications whether consent for the image was given, a count of indications whether parental consent was given, a count of indications whether an image file includes motion, a count of indications whether an image file includes sound, and a count of indications whether an image file includes an

annotation", as taught by Abrahamson, for the purpose of displaying how many people answered a question correctly.

82. *Claims 23, 24, 34, and 35* are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Eshots.com (Eshots.com Privacy Policy, February 09 2001), hereinafter referenced as Eshots.com.

83. Regarding **claim 23**, Goldberg discloses everything as applied above in regards to claim 2. However, Goldberg fails to disclose "preparing at least one question for response by a person retrieving the digital image". However, the examiner maintains that it was well known in the art at the time of the invention, as taught by Eshots.com.

84. In a similar field of endeavor, Eshots.com discloses a system wherein photos are taken of people at events. In addition, Eshots.com discloses that sometime, we may specifically ask for information about you when you register at one of our event booths, when you log on to view your photo, when you enter a sweepstakes, or when you order a product, wherein eshots uses information for four general purposes, such as customizing advertising content, as disclosed in page 1, section "Information Collection and Use", which reads on claimed "preparing at least one question for response by a person retrieving the digital image".

85. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing "preparing at least one question for response by a person retrieving the digital image", as taught by Eshots.com, for the purpose customizing advertising content.

86. Regarding **claim 24**, Goldberg discloses everything as applied above in regards to claim 2. However, Goldberg fails to disclose "receiving a response from the person retrieving the digital image and providing sales or promotional information to the person in response to an answer to the at least one question". However, the examiner maintains that it was well known in the art at the time of the invention, as taught by Eshots.com.

87. In a similar field of endeavor, Eshots.com discloses a system wherein photos are taken of people at events. In addition, Eshots.com discloses that sometime, we may specifically ask for information about you when you register at one of our event booths, when you log on to view your photo, when you enter a sweepstakes, or when you order a product, wherein eshots uses information for four general purposes, such as customizing advertising content or contacting the user about specials and new products, as disclosed in page 1, section "Information Collection and Use", which reads on claimed "receiving a response from the person retrieving the digital image and providing sales or promotional information to the person in response to an answer to the at least one question".

88. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing " receiving a response from the person retrieving the digital image and providing sales or promotional information to the person in response to an answer to the at least one question", as taught by Eshots.com, for the purpose customizing advertising content and contacting the user about specials and new products.

89. Regarding **claim 34**, Goldberg discloses everything as applied above in regards to claim 25. However, Goldberg fails to disclose "preparing at least one question for response by a person retrieving the digital image". However, the examiner maintains that it was well known in the art at the time of the invention, as taught by Eshots.com.

90. In a similar field of endeavor, Eshots.com discloses a system wherein photos are taken of people at events. In addition, Eshots.com discloses that sometime, we may specifically ask for information about you when you register at one of our event booths, when you log on to view your photo, when you enter a sweepstakes, or when you order a product, wherein eshots uses information for four general purposes, such as customizing advertising content, as disclosed in page 1, section "Information Collection and Use", which reads on claimed "preparing at least one question for response by a person retrieving the digital image".

91. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing " preparing at least one question for response by a person retrieving the digital image", as taught by Eshots.com, for the purpose customizing advertising content.

92. Regarding **claim 35**, Goldberg discloses everything as applied above in regards to claim 34. However, Goldberg fails to disclose "receiving a response from the person retrieving the digital image and providing sales or promotional information to the person in response to an answer to the at least one question". However, the examiner maintains that it was well known in the art at the time of the invention, as taught by Eshots.com.

93. In a similar field of endeavor, Eshots.com discloses a system wherein photos are taken of people at events. In addition, Eshots.com discloses that sometime, we may specifically ask for information about you when you register at one of our event booths, when you log on to view your photo, when you enter a sweepstakes, or when you order a product, wherein eshots uses information for four general purposes, such as customizing advertising content or contacting the user about specials and new products, as disclosed in page 1, section “Information Collection and Use”, which reads on claimed “receiving a response from the person retrieving the digital image and providing sales or promotional information to the person in response to an answer to the at least one question”.

94. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing "receiving a response from the person retrieving the digital image and providing sales or promotional information to the person in response to an answer to the at least one question”, as taught by Eshots.com, for the purpose customizing advertising content and contacting the user about specials and new products.

95. *Claim 44* is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of South et al. (US Patent 5,921,523), hereinafter referenced as South.

96. Regarding **claim 44**, Goldberg discloses everything as applied above in regards to claim 36. However, Goldberg fails to disclose “a signature pad operably connected to

the first computer". However, the examiner maintains that it was well known in the art at the time of the invention, as taught by South.

97. In a similar field of endeavor, South discloses a mount for camera-pc terminal. In addition, South discloses a video camera 5-1 will be understood as capturing an applicant's image in digital form and inputting this to a camera-workstation 5-2 which may be supplied with a signature pad 5-3, for capturing the applicant's signature, as disclosed in column 5 lines 50-55, which reads on claimed "a signature pad operably connected to the first computer".

98. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goldberg, by specifically providing "a signature pad operably connected to the first computer", as taught by South, for the purpose of capturing an applicant's signature.

Citation of Pertinent Prior Art

99. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

100. eshots.com FAQ (February 9, 2001) discloses frequently asked questions about a image acquisition system;

101. Nomura et al. (US Patent 5,289,280) discloses a visual and/or audio information storage and retrieval device;

102. McIntyre et al. (US Patent 6,950,800) discloses a method of permitting group access to electronically stored images and transaction card used in the method;

103. Shih et al. (US Patent 6,674,923) discloses a method and system for locating and accessing digitally stored images;

104. Thompson (US Patent 6,650,831) discloses a method of providing access to photographic images over a computer network;

105. Ramachandran et al. (US Patent 6,023,688) discloses a transaction apparatus and method that identifies an authorized user by appearance and voice.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL ZEILBERGER whose telephone number is (571)270-3570. The examiner can normally be reached on M-F 7:30-5pm est (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on (571)272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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